IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18599 OF 2005

Dated : August 24, 2005

Between:

Grama Panchayath, Muggulla Ganapavaram Mandal,

West Godavari District, Rep. by its Sarpanch,

Sri P.Kannaiah

Petitioner

AND

The Govt. of Andhra Pradesh,

Rep. by District Collector,

West Godavari District, Eluru and 36 others

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18599 OF 2005

ORAL ORDER:

Seeking to cancel the pattas issued by the 3rd respondent to the respondents 4 to 37 assigning the lands in RS No. 43/1, Grama Kantam of Muggulla Gramapanchayath, Ganapavaram Mandal, West Godavari District, the present writ petition is filed.

It is submitted by the petitioner – Gram Panchayath that there is neither any building for the panchayath office nor there is veterinary hospital or library. The petitioner had been requesting the Government to sanction the same and a Community Hall and, therefore, in the event of sanction for the said amenities, except 70 cents of grama Kantam, land in the above Sy. No. there is no other lands. It is further averred that there are other proposals for the development of the village. While so, the third respondent sent a letter dated 4.8.2005 directing the petitioner to pass a resolutions to grant patta for house sites in the said Grama Kantam land. Thereafter, the petitioner panchayath pass a resolution not to grant patta for houses sites, but the third respondent has hurriedly granted pattas to the respondents 4 to 37 with antidate as 15.8.2005. It is averred that the said Grama Kantam land is not at all plotted even though plot numbers appear to be mentioned and the possession of the alleged plots are not delivered to respondents 4 to 7. It is further submitted that if the respondents 4 to 37 construct buildings, the interest of the petitioner – panchayath would be jeopardized. Therefore, came up with the instant writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader.

Without adverting to the merits or otherwise, of the averments, suffice it to say that against the order granting pattas to the respondents 4 to 37, passed by the third respondent, an appeal is provided under Sec. 4-A of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (9

of 1977). But the petitioner without availing the efficacious alternative remedy has straightaway approached this court invoking extraordinary jurisdiction under Article 226 of the Constitution. Therefore, the writ petition is not maintainable. Consequently, the writ petition fails and is accordingly dismissed. No costs. However, considering the request of the learned counsel for the petitioner, two weeks time is granted for the petitioner to approach the appellate authority by filing appeal. Till such time, the respondents are directed not to take coercive steps.

Elipe Dharma Rao, J.

August 24, 2005

MAS.